

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 269
CASE NO. 78-14
MARCH 8, 1979

Pursuant to notice, a public hearing was held on December 4, 1978, to consider the application for a zone change filed by Sylvia Kotz and Safeway Stores, Inc.

FINDINGS OF FACT

1. This an application for a change of zoning from R-5-B to C-2-A for part of lot 231 in square 155. The site is located on the north side of Corcoran Street at the corner of 17th Street, N.W., comprising approximately 5,548 square feet.
2. The R-5-B District permits general residential uses including single family dwellings, flats and apartments to a maximum height of sixty feet, a maximum floor area ratio of 1.8 and a maximum percentage of lot occupancy of sixty per cent.
3. The C-2-A District permits office, retail and other commercial uses as well as residential uses to a maximum height of fifty feet and a maximum floor area ratio of 2.5, with non-residential uses limited to 1.5 FAR.
4. The part of lot 231 for which a zoning map change is requested is zoned R-5-B and has been devoted to a commercial use, accessory parking for the adjoining Safeway Store, since 1967 when the store began operation, under a Board of Zoning Adjustment special exception. A covenant was recorded to insure that the parking would be provided as long as the store existed or as long as the parking was required by the Zoning Regulations.
5. The other part of lot 231, on which the Safeway Store is located, is presently zoned C-2-A and has been so since 1958.
6. The applicants intend to expand the existing Safeway store on this lot by eliminating the existing parking area and constructing an addition to the store on the area now used as a parking lot and, with the approval of the Board of Zoning Adjustment and release of a covenant otherwise requiring it, to eliminate all parking for this store.

7. The Corporation Counsel by letter to Safeway Stores, Inc., dated March 30, 1978, advised the applicant that the appropriate course of action to achieve the proposal would be to apply first to the Zoning Commission for a map amendment and then to the Board of Zoning Adjustment for a variance from the parking requirements.

8. The applicant introduced into evidence a survey of customers taken at the existing Safeway Store in July of 1978. That survey reveals that fifty-three per cent of the present customers live within one-quarter mile of the store, and that eighty-five per cent live within one-half mile. The survey also reveals that ninety per cent of the customers walk to the store. The Commission finds that the store is primarily a neighborhood oriented store, that expansion of the store would be expansion of a residential neighborhood operation, and that the amount of automobile traffic resulting from the store will be relatively low.

9. Expansion of the Safeway will allow for stocking of additional merchandise, improvement of in-store congestion problems and additional employment opportunities.

10. The subject lot is located northeast of Dupont Circle in the 17th Street commercial strip. This locally oriented retail strip consists of small one to three story structures and extends from P Street to just north of R Street, N.W. From Q to R Streets, both sides of the street are zoned C-2-A. Between P and Q Streets, only the eastern frontage of 17th Street is zoned C-2-A. The district is generally narrow, extending less than 100 feet east and west of 17th Street for most of its length. A variety of commercial establishments, including restaurants and carry-outs, dry cleaning establishments, and similar small scale retail establishments, are found here.

11. Most of the area surrounding the strip is zoned R-5-B which permits medium density residential uses. There are a number of older medium and high rise apartment buildings in the vicinity, but the predominant building type is the rowhouses. Along New Hampshire Avenue to the west, Massachusetts Avenue to the south, and 16th Street to the east, diplomatic and limited office uses in historic mansions are mixed with high density residential and limited office uses. Along Connecticut Avenue and south of Dupont Circle, there are concentrations of retail and office uses. In contrast, east of Connecticut Avenue and north of Massachusetts, the uses are predominantly residential and institutional.

12. The Municipal Planning Office, by report dated November 30, 1978 and by testimony at the hearing recommended approval of the proposed map amendment from R-5-B to C-2-A. The Municipal Planning Office cited the long standing need for better retail services in this neighborhood, the continuing revitalization of commercial services in this area, and the fact that C-2-A zoning would allow for mixed use development consistent with the objectives of the District and the request of certain community groups. The Commission so finds. The MPO also noted the fact that the rezoning is consistent with both MPO and the community's objectives as outlined in Zoning Commission Case No. 76-24.

13. The Department of Environmental Services, by memorandum dated September 7, 1978, stated that the proposed map amendment and the elimination of required parking would have no adverse environmental impact. The Department viewed any increase in air pollution attributable to the expanded facility as negligible, the small increase in solid waste to be disposed of as insignificant, and expected no change in storm water run-off since the site is now covered with impervious surfaces. The Commission so finds.

14. The Department of Transportation, by memorandum dated December 4, 1978, and by testimony presented at the hearing, supported the rezoning and the elimination of parking at this location. The Department reported that all intersections surrounding the site are now operating at level of service A, that if the property were developed with a retail or service establishment using the full permitted density approximately sixty to ninety trips could be generated during the evening peak hours, that such number of trips would be manageable and that the number of trips to be generated by the expansion of the Safeway would be small and can be accommodated by the surrounding streets with no measurable change in the level of service. The Commission so finds. The Department noted the existence of twenty-two parking spaces at present on the lot, but that sixteen of those spaces appeared to be used for long-term parking, rather than for customers of the store. In addition, the remaining spaces are not being used by customers because of the difficulties of maneuvering in and out of the lot. The Department noted that the proposed Safeway store would require forty-seven parking spaces under the Zoning Regulations. In light of the foregoing, the Department recommended that Safeway assure the availability of some off-street parking during periods of high customer demand and on-street parking shortages. The Commission finds that it has no power to impose such a condition on the granting of this application. The Commission notes, however, that if the applicant proposes to provide less on-site parking than the regulations require, action will be necessary by the Board of Zoning Adjustment, and the Board has the authority to impose appropriate conditions on the granting of an application before it.

19. The proposed action was referred to the National Capital Planning Commission under the terms of the District of Columbia Self-Government and Governmental Reorganization Act and the NCPC reported that the proposed map amendment would not have a negative impact on the Federal Establishment or other Federal interests in the National Capital.

CONCLUSIONS OF LAW

1. Rezoning to C-2-A is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat. 797), by furthering the general public welfare and serving to stabilize and improve the area.
2. Rezoning to C-2-A will promote orderly development in conformity with the entirety of the District of Columbia Zoning Plan as embodied in the Zoning Regulations and Map of the District of Columbia.
3. Rezoning to C-2-A will not have an adverse impact on the surrounding neighborhood.
4. The Commission takes note of the position of the Advisory Neighborhood Commission, and in its decision has accorded to the ANC the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Commission hereby orders approval of the following action:

Change from R-5-B to C-2-A that portion of Lot 231 in square 155 currently zoned R-5-B. The site is located on the north side of the 1700 block of Corcoran Street, N.W., adjacent to 1701 Corcoran Street, N.W.

VOTE of the Commission taken at the public meeting of February 8, 1979: 3-0 (Commissioners John G. Parsons, George M. White, and Theodore F. Mariani to ADOPT, Commissioners Ruby B. McZier and Walter B. Lewis, not voting, having not participated in the case).


RUBY B. MCZIER
CHAIRPERSON


STEVEN E. SHER
Executive Director

This Order was adopted by the Zoning Commission at its public meeting held on March 8, 1979, by a vote of 3-0 (Theodore F. Mariani, George M. White and John G. Parsons to ADOPT, Walter B. Lewis and Ruby B. McZier not voting, not having participated in the case).

In accordance with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, the amendment to the Zoning Map is effective on 16 MAR 1979.

15. The Office of Business and Economic Development, by letter dated December 4, 1978, strongly supported the application citing the increase in the quality of retail services which would result. The Commission so finds.

16. A representative of Advisory Neighborhood Commission 2B testified at the hearing that the ANC voted at its November 22, 1978 meeting to recommend that the Zoning Commission approve the application subject to conditions which the applicant had agreed to with the ANC, as contained in the letter dated July 5, 1978, marked as Exhibit 35 of the record. The Commission notes that in this application for a zoning change, the Commission cannot impose such conditions upon the applicant. The ANC also requested the applicant to continue negotiations with the ANC to explore the feasibility of constructing housing above the new addition. The Commission finds that rezoning to C-2-A allows for both housing and commercial uses to occur on the site.

17. Several neighborhood citizens appeared at the hearing and gave general support for the application and cited several problems created by the present facility, such as traffic congestion and illegal parking. The citizens also submitted a plan for a mixed-use commercial and residential building for the subject site. As the Commission has already found, the C-2-A District permits such uses, and in fact encourages residential uses by allowing a greater density for residential uses than non-residential uses.

18. The application was opposed by several individual residents of the immediate vicinity, on the grounds that existing truck traffic blocked the alley and adjoining properties, that there was some traffic congestion caused by the store in streets and alleys adjoining the site, that adjoining properties had been damaged by vehicles associated with the store, and that such problems would be increased by expansion of the store. The Commission finds that the weight of the full evidence in the record suggests that such problems will not be the case. The Commission notes testimony of the applicant that the number of truck deliveries may well be reduced and that the potential elimination of the parking lot further reduces existing problems. The Commission further notes that it may be possible for the Board of Zoning Adjustment, if it entertains an application from the applicant, to impose appropriate conditions for protection of neighboring properties.